

Exhibit D

CHASOM BROWN, ET AL. vs GOOGLE, LLC, ET AL.
Hearing on 03/23/2022

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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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CASE NO.: 4:20-03664-YGR-AVK

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6 CHASOM BROWN, MARIA NGUYEN and

7 WILLIAM BYATT, individually and on

8 Behalf of all other similarly situated,

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Plaintiffs,

10 v.

11 GOOGLE, LLC and ALPHABET, INC.,

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Defendants.

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HEARING

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HEARING BEFORE: Special Master Douglas Brush

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DATE TAKEN: Wednesday, March 23rd, 2022

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TIME: Unknown

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TAKEN: Remotely via Zoom

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TRANSCRIBED BY: KIMBERLY H. NOLAN

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1 A P P E A R A N C E S

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24 Also Present:

25 Tracy Gao, Law Clerk at Quinn, Emanuel, Urquhart & Sullivan

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1 I wouldn't want to be too aggressive, but my
2 opening position, Special Master, would be that, well, none
3 of this is relevant because it's all p-log data, and that's
4 not the data that we've been -- has been subject to targeted
5 searches.

6 However, putting all that aside and having no
7 argument, we've already produced AdMob, AdSense data. We
8 would be prepared to, in the interest of closing this
9 process out as quickly as possible, not forgoing the
10 targeted searches, because I think that that would be more
11 time-consuming at this stage, and instead focusing on these
12 20 publishers and providing them notice.

13 This will give Plaintiffs, in addition to all the
14 data they already have, another surfeit of information.

15 And I think most important for the historic data
16 discussion is this is data that would start from June 2020
17 in different forms encapsulated daily, and that is provided.

18 So, it covers a lot of the concerns and questions
19 about historic data, and I hope that will obviate the need
20 for at least a large part of further searches.

21 MR. MAO: That was a lot. Special Master
22 Brush, I (inaudible).

23 SPECIAL MASTER BRUSH: (Interposing) No. I'm
24 unpacking. I'm just -- yeah.

25 MR. MAO: I think the main thing here is we,

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1 too, want to be finished with the process. We just want our
2 data so that there's no gas in the hole from them.

3 SPECIAL MASTER BRUSH: No. And it's -- look, we
4 wouldn't be in this process if it was easy. I mean, there's
5 complexities to this that we're working through and I
6 believe both parties are doing in good faith.

7 I mean, to me it keeps falling back that if there's
8 responsive data based on the search criteria -- or the
9 search process in the November 12th order, and the way that
10 we're doing it, it needs to be searched -- well, the
11 identified data sources, you know, need to be searched with
12 the criteria process in the November 12th order, and if it's
13 responsive, it needs to be produced.

14 I mean, that's just the logic I'm trying to follow
15 here in trying to apply this to this problem. Then we have
16 the issue with the third-party notifications.

17 And, really, that all falls more -- I mean -- well,
18 I mean, it really kinda falls across both. I mean, this is
19 why we have this process.

20 But I understand we're also -- I do appreciate, you
21 know, Google's position of trying to be efficient in the
22 notification process, and I do understand there's resource
23 constraints on that. I'm just trying to figure out where
24 the gap -- you know, where the potential gap is here.

25 If we go forward with what Google's proposing,

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1 without waiving any rights, to get some data into
2 Plaintiffs' hands, might be the best way to go forward just
3 so we get something going.

4 But I appreciate the concerns from Plaintiffs and
5 would -- you know, if there is a concern that we can
6 distinctly say something's not right or missing or, you
7 know, we need you further, then by all means, we would have
8 to readdress that.

9 But we need to kinda get this going forward in some
10 manner, and --

11 MR. ANSORGE: So, a potential solution, if I may,
12 following up on that opening, Mr. Brush, then would be we
13 provide notice to all the publishers that are entailed in
14 the second round of searches.

15 SPECIAL MASTER BRUSH: Yeah.

16 MR. ANSORGE: By my count, that would be 81. Some
17 of those, there's just individual single events.

18 SPECIAL MASTER BRUSH: Sure.

19 MR. ANSORGE: However, I would then respectfully
20 request that we don't provide any notice and do not provide
21 any data from that preserved corpus of p-log data, which
22 entails many different -- hundreds of different publishers,
23 and we focus -- we follow, you know, this line stringently,
24 that if there's something -- a search that was conducted
25 under the November 12th process, we'll provide the notice